

Message Text

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SUBJ: EXTRAORDINARY DIET CLOSES -- UPPER HOUSE ROLE IN DIET
PROCEEDINGS

SUMMARY. WITH THE PASSAGE OF MIKI'S BARE-BONES LEGISLATIVE PACKAGE, THE 1975 EXTRAORDINARY DIET ADJOURNED ON DECEMBER 25. FINAL HOURS OF SESSION WERE MARKED BY LAST DITCH OPPOSITION EFFORTS TO BLOCK PASSAGE OF ECONOMIC AND FINANCIAL BILLS, BUT LDP UPPER HOUSE MAJORITY CARRIED THE DAY. THE REDUCED LDP MARGIN IN THE UPPER HOUSE HAS RESULTED IN INCREASED ATTENTION BEING PAID TO THAT BODY AND A REQUIREMENT FOR MORE TIME TO MOVE BILLS THROUGH THE DIET: AND ENHANCED ROLE FOR THE UPPER HOUSE PRESIDENT, WHO WILL BE INCREASINGLY CALLED UPON TO EXERCISE SOME OF HIS EXTRAORDINARY POWERS TO KEEP BILLS MOVING: AND THE NECESSITY FOR A SOLID LDP CONSENSUS FOR PASSAGE OF GOVERNMENT-SPONSORED PROGRAMS. THE LDP WILL STILL BE LIMITED OFFICIAL USE

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ABLE TO GAIN APPROVAL FOR ITS MAJOR PROGRAMS, BUT IT WILL

TAKE MORE TIME IN THE FUTURE AND REQUIRE SUSTAINED EFFORTS
AT SECURING A CONSENSUS. END SUMMARY.

1. WITH THE PASSAGE OF MIKI'S BARE-BONES LEGISLATIVE PACKAGE, THE TOBACCO AND ALCOHOLIC BEVERAGE PRICE RISE BILLS, THE POSTAL RATE HIKE BILL, AND THE SPECIAL LAW FOR FLOTATION OF GOVERNMENT BONDS-THE 1975 EXTRAORDINARY SESSION OF THE DIET ADJOURNED ON DECEMBER 25. THE CLOSING DAYS OF THE SESSION WERE MARKED BY STRENUOUS BUT FUTILE OPPOSITION EFFORTS TO BLOCK THE BILLS' PASSAGE, INCLUDING THE INTRODUCTION OF CENSURE MEASURES AGAINST COMMITTEE CHAIRMEN, PRIME MINISTER AND FINANCE MINISTER. IN THE END, HOWEVER, THE SLIM LDP MAJORITY, UNITED ON THE ISSUES, CARRIED THE DAY.

2. UNTIL THE 1974 UPPER HOUSE ELECTIONS IN WHICH THE LDP MARGIN IN THE UPPER HOUSE DECLINED TO EIGHT SEATS, THE MAIN ARENA OF JAPANESE PARLIAMENTARY POLITICS WAS THE LOWER HOUSE: THE UPPER HOUSE WAS WIDELY REGARDED AS A RUBBER STAMP. AS A RESULT OF THE NARROWED MARGIN, HOWEVER, THE UPPER HOUSE HAS ASSUMED NEW IMPORTANCE IN THE PARLIAMENTARY PROCESS, FOR THE LDP IS NO LONGER ABLE TO RAILROAD BILLS THROUGH COMMITTEE OR PLENARY SESSIONS AS IN THE PAST, AND IT HAS HAD TO ADOPT A NEW SET OF TACTICS AND STRATEGY TO MEET THE CHANGED SITUATION. THIS WAS CLEARLY DEMONSTRATED IN THE CLOSING HOURS OF THE LAST REGULAR DIET SESSION IN JULY WHEN SEVERAL GOVERNMENT-SPONSORED MEASURES FAILED OF PASSAGE BECAUSE OF PROBLEMS IN THE UPPER HOUSE. WITH THE CONCLUSION OF ANOTHER SESSION IT IS POSSIBLE TO MAKE SOME GENERALIZATIONS ON THE EFFECT OF THE REDUCED LDP UPPER HOUSE MARGIN ON THE JAPANESE POLITICAL PROCESS AND WHAT IT MAY MEAN IN THE FUTURE, PARTICULARLY WITH REGARD TO MEASURES OF INTEREST TO THE UNITED STATES.

3. TIME. THE MOST IMMEDIATELY APPARENT ASPECT OF THE CHANGED SITUATION IS THAT IT NOW TAKES MORE TIME TO MOVE BILLS THROUGH THE UPPER HOUSE. UPPER HOUSE SPEAKER KONO IS ON RECORD AS DEMANDING THAT THE UPPER HOUSE BE GIVEN A MINIMUM OF TWENTY DAYS FOR THE PASSAGE OF BILLS. IN
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ADDITION, WITH THE OPPOSITION CHARRING MANY KEY COMMITTEES AND MOST COMMITTEES EVENLY BALANCED BETWEEN LDP AND OPPOSITION MEMBERS, OPPORTUNITIES FOR THE OPPOSITION TO EMPLOY DELAYING TACTICS ARE EXTENSIVE, REQUIRING MANY HOURS OF INTER-PARTY NEGOTIATION TO KEEP THINGS MOVING, EVEN AT A SNAILS PACE. THERE NOW EXISTS A SITUATION WHERE THERE ARE EXTENDED TIME GAPS BETWEEN THE USE BY THE LDP MAJORITY OF STREAMROLLER TACTICS TO GET A BILL THROUGH COMMITTEE

OR PLENARY SESSION AND OPPOSITION AGREEMENT TO RESUME
UPPER HOUSE PROCEEDINGS

4. SPEAKER'S ROLE. THE ROLE OF THE UPPR HOUSE

SPEAKER HAS BECOME MORE CRUCIAL THAN EVER IN THE MANAGEMENT OF UPPR HOUSE PROCEEDINGS. THE UPPER HOUSE HAS TRADITIONALLY BEEN JEALOUS OF ITS PREROGATIVES AND RESENTFUL OF APPEARING TO BE MERELY A RUBBER STAMP FOR SUBSTANTIVE LOWER HOUSE ACTIONS. BUT, WHERE FORMERLY THE SPEAKER COULD RELY ON THE SUBSTANTIAL LDP MAJORITY TO MOVE LEGISLATION THROUGH THE COMMITTEES, TO THE HOUSE FLOOR AND ULTIMATELY TO A PLENARY VOTE, HE IS NOW CALLED UPON TO UTILIZE HIS RIGHT TO CALL FOR AN "INTERIM REPORT" TO PRY CONTROVERSIAL BILLS OUT OF COMMITTEE. THIS PROCEDURE, OF COURSE, INEVITABLY ANGERS OPPOSITION MEMBERS ON WHOM THE SPEAKER RELIES TO SOME EXTENT FOR HIS CONTINUATION IN OFFICE AND OFFENDS HIS DESIRE FOR HARMONY IN THE HOUSE. THE PRESENT SPEAKER HAS THEREFORE TENDED TO SHY AWAY FROM UTILIZING HIS POWERS TO THE FULLEST EXTENT UNTIL IT IS ABSOLUTELY NECESSARY TO DO SO AND UNTIL THE LDP LEADERSHIP HAS APPLIED OVERWHELMING PRESSURE ON HIM TO ACT.

5. REQUIREMENT FOR LDP UNITY. BECAUSE ONLY A SMALL NUMBER OF LDP ABSENTEES CAN EFFECTIVELY VETO BILLS IN THE UPPER HOUSE, IT HAS BECOME APPARENT THAT ONLY MEASURES ON WHICH THERE IS AN LDP CONSENSUS CAN GAIN PASSAGE. THE FACT THAT THE ANTI-MONOPOLY BILL AND NPT RATIFICATION FAILED TO PASS DURING THE LAST REGULAR DIET SESSION WAS DUE TO LACK OF CONSENSUS WITHIN THE LDP. THE ULTIMATE PASSAGE OF THE PRICE BILLS, POSTAL RATE HIKE AND BONDS LEGISLATION DURING THIS EXTRAORDINARY SESSION CAN BE ATTRIBUTED TO LDP UNITY. THIS MORE STRINGENT REQUIREMENT FOR PARTY UNITY MAY ULTIMATELY RESULT IN THE INTRODUCTION OF LIMITED OFFICIAL USE

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OF LESS CONTROVERSIAL LEGISLATION ON WHICH THE LDP AND GOVERNMENT CAN ACHIEVE A CONSENSUS.

6. INCREASED POSSIBILITIES FOR COMPROMISE. THE REDUCED LDP MAJORITY IN THE UPPER HOUSE MAY ALSO RESULT IN INCREASED PARLIAMENTARY AMENDMENT OF GOVERNMENT-SPONSORED LEGISLATION. THE OPPOSITION IS NOW IN A POSITION WHERE IT CAN PUSH FOR AMENDMENT OF BILLS WHICH PREVIOUSLY WOULD HAVE SAILED THROUGH THE DIET UNSCATHED. AT THE VERY LEAST, IN ORDER TO SECURE OPPOSITION ATTENDANCE AT COMMITTEE AND PLENARY SESSIONS, THE GOVERNMENT WILL INCREASINGLY HAVE TO RESORT TO SUCH COMPROMISES AS AGREEMENT TO POSTPONE THE IMPLEMENTATION OF LAWS AS HAPPENED IN THE CASE OF POSTAL RATES. WHILE THE PROCEDURE WILL NOT APPROACH THE AMENDMENT AND COMPROMISE PROCEDURE OF THE US CONGRESS, IT DOES REPRESENT

A SIGNIFICANT DEPARTURE FROM PREVIOUS PRACTICE WHEREIN
GOVERNMENT LEGISLATION WAS PASSED BY THE DIET WITHOUT CHANGE.

7. TREATIES, TREATIES AND THE BUDGET ARE AN EXCEPTION
UNDER THE JAPANESE CONSTITUTION IN THAT THEY AUTOMATICALLY
BECOME LAW 30 DAYS AFTER PASSAGE BY THE LOWER HOUSE IF
THE UPPER HOUSE DOES NOT ACT. WHEN LOWER HOUSE PASSAGE
DOES NOT ALLOW SUFFICIENT TIME FOR AUTOMATIC UPPER HOUSE
PASSAGE, HOWEVER, THE FOREGOING FACTORS WILL APPLY AND
THEIR APPROVAL WILL BECOME INCREASINGLY DIFFICULT.

8. CONCLUSIONS. THE EXPERIENCE OF THE PAST TWO DIET
SESSIONS INDICATES THAT THE LDP WILL BE FACING INCREASING
DIFFICULTY IN MOVING ITS PROGRAMS THROUGH THE UPPER HOUSE.
A REDUCTION OF THE LDP MARGIN THROUGH DEATH COULD FURTHER
COMPLICATE THE SITUATION AS COULD TACTICAL BLUNDERING
BY THE LDP LEADERSHIP. BARRING SERIOUS INTRA-PARTY
DISUNITY. ON SPECIFIC ISSUES, HOWEVER, AND GIVEN SUFFICIENT
TIME, THE LDP WILL PROBABLY REMAIN ABLE TO OBTAIN PASSAGE
OF ESSENTIAL LEGISLATION. BUT, THIS LEGISLATION MAY TEND
TO BECOME WATERED-DOWN VERSIONS OF WHAT THE LDP LEADERSHIP
AND BUREACURACY MIGHT DESIRE AS DRAFTERS ARE INCREASINGLY
FORCED TO TAKE ACCOUNT OF THE CHANGED CIRCUMSTANCES IN THE
UPPER HOUSE. IN SHORT, FUTURE LEGISLATION MAY BE TAILORED
TO WHAT THE GOVERNMENT BELIEVES CAN OBTAIN AN LDP CONSENSUS
IN THE UPPER HOUSE.
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